

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

STATE BOARD OF DENTAL EXAMINERS

Editor's Note: The following Notice of Rulemaking Docket Opening was exempt from Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 1157.)

[R12-68]

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 11, State Board of Dental Examiners
Articles and their headings: 1, Definitions; 13, General Anesthesia and Sedation
Section numbers: R4-11-101, R4-11-1301, R4-11-1302, R4-11-1303, R4-11-1304, R4-11-1305, R4-11-1306, R4-11-1307 (Sections may be added, deleted or modified as necessary.)

2. The subject matter of the proposed rule:

In October 2008 the Board reviewed the Draft Proposed Rules for Article 13 presented by the Anesthesia Committee. The Board voted to proceed with the rulemaking process through the Governor's Regulatory Review Council (G.R.R.C.). Before the docket could be opened with the Secretary of State, the Governor issued an Executive Order mandating a rulemaking moratorium. In 2011 a new Executive Order was issued and was interpreted to exempt 90/10 Agencies from the Order. Since the draft proposed rules were three years old, the Anesthesia Committee met to review the draft. The Board approved the staff to move forward with a docket opening on the draft proposed rules presented by the Anesthesia Committee.

The rulemaking will include the following changes to Article 1 and Article 13:

- Update definitions to be consistent with the American Dental Association, American Academy of Pediatric Dentistry and American Association of Oral and Maxillofacial Surgeons.
- Add oral examination over medical emergencies language, which was inadvertently left out of the original 2003 language.
- Add language to address onsite evaluation failures.
- Add language to define a mobile permit for Section R4-11-1301, R4-11-1302 and R4-11-1303.
- Add language to require a new infusion line and new fluid bag for each patient.
- Add language to require the utilization of supplemental oxygen and monitoring of the patient from the initiation of anesthesia until stabilization at all permit levels.
- Remove language from Section R4-11-1301 which allowed a general dentist to obtain a Section R4-11-1301 permit to work with a physician anesthesiologist and created a new permit level, Section R4-11-1304 specifically for those who want to employ a physician anesthesiologist. This new permit acts more like a facility permit.
- Add language creating more education pathways for Section R4-11-1301, R4-11-1302 and R4-11-1303 applicants.
- Amend language to change the permit renewal period from three to five years.
- Amend language to change the number of evaluators to two evaluators for initial evaluations, one evaluator for renewal evaluations, two evaluators for subsequent evaluations and evaluation failures.

The rule will include format, style, and grammar necessary to comply with the current rules of the Secretary of State and the Governor's Regulatory Review Council.

The agency docket number, if applicable:

R1202

3. A citation to all published notices relating to the proceeding:

None

4. Name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Elaine Hugunin, Executive Director
Address: Arizona State Board of Dental Examiners
4205 N. 7th Ave., Suite 300
Phoenix, AZ 85013
Telephone: (602) 242-1492, Ext. 2001
Fax: (602) 242-1445

Notices of Rulemaking Docket Opening

E-mail: elaine.huginin@azdentalboard.us

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Board will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m. Oral comments may be made at the Board office Monday through Friday, 8:00 a.m. to 4:30 p.m.

Location: Arizona State Board of Dental Examiners
4205 N. 7th Ave., Suite 300
Phoenix, AZ 85013

Written and oral comments will be accepted until the close of record on a date and time as yet undetermined.

6. A timetable for agency decisions or other action on the proceeding, if known:

None

NOTICE OF RULEMAKING DOCKET OPENING

STATE BOARD OF DENTAL EXAMINERS

Editor's Note: The following Notice of Rulemaking Docket Opening was exempt from Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 1157.)

[R12-67]

1. Title and its heading:

4, Professions and Occupations

Chapter and its heading:

11, State Board of Dental Examiners

Articles and their headings:

1, Definitions; 15, Complaints, Investigations, Disciplinary Action

Section numbers:

R4-11-101, R4-11-1501, R4-11-1502, R4-11-1503, R4-11-1504

(Sections may be added, deleted or modified as necessary.)

2. The subject matter of the proposed rule:

HB 2554 enacted July 20, 2011 significantly changed the Arizona State Board of Dental Examiners complaint investigation process. A.R.S. § 32-1263.02 was repealed and replaced with a new section entitled Investigation and adjudication of complaints; disciplinary action; civil penalty; immunity; subpoena authority; definitions. The repeal of A.R.S. § 32-1263.02 did away with Investigative Interviews, Informal Interviews, Mediation, and Triage; those processes were replaced by investigation by an investigative team, utilizing outside dental consultants with the team making recommendations to the Board for non-disciplinary continuing education, non-disciplinary letters of concern, disciplinary consent agreements or Formal Interviews conducted by the Board. Since, by statute, the processes and terms of investigation changed, the Board finds it necessary to amend Article 15 to support the changes.

Further, HB 2233, also enacted July 20, 2011 added Article 8 Mobile Dental Facilities to Title 32, Chapter 11. Complaints may be filed against Mobile Dental Facilities, therefore Mobile Dental Facilities will be added to appropriate sections of Article 15.

The rulemaking will amend R4-11-101 (Definitions) to remove the definitions for "investigative interview," "informal interview," "representative," and "triage," that are no longer needed due to the statutory changes made by HB 2554.

The rulemaking will amend the title of R4-11-1502 to (Dental Consultant Qualifications) and make necessary changes to reflect the changes in statute that require the Board to use Dental Consultants instead of Complaint Investigators. The proposed changes to R4-11-1502 will make Dental Consultants be approved by the Board.

The rulemaking will amend R4-11-1503 to incorporate the statutory changes dealing with the complaint receipt and notification process and the clinical evaluation process in HB 2554.

The rulemaking will amend the title of R4-11-1504 to (Postponement of Formal Interview) and make necessary changes to reflect the changes in statute that require the Board to use a formal interview process. The rule will include format, style, and grammar necessary to comply with the current rules of the Secretary of State and the Governor's Regulatory Review Council.

The agency docket number, if applicable:

R1201

3. A citation to all published notices relating to the proceeding:

None

4. Name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Elaine Huginin, Executive Director

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4205 N. 7th Ave., Suite 300
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Notices of Rulemaking Docket Opening

Telephone: (602) 242-1492, Ext. 2001
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E-mail: elaine.hugunin@azdentalboard.us

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Board will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m. Oral comments may be made at the Board office Monday through Friday, 8:00 a.m. to 4:30 p.m.

Location: Arizona State Board of Dental Examiners
4205 N. 7th Ave., Suite 300
Phoenix, AZ 85013

Written and oral comments will be accepted until the close of record on a date and time as yet undetermined.

6. A timetable for agency decisions or other action on the proceeding, if known:

None

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF TECHNICAL REGISTRATION

Editor's Note: The following Notice of Rulemaking Docket Opening was exempt from Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 1157.)

[R12-65]

1. Title and its heading:

4, Professions and Occupations

Chapter and its heading:

30, Board of Technical Registration

Section numbers:

R4-30-247 (Sections may be added, deleted or modified as necessary.)

2. The subject matter of the proposed rule:

The Board proposes to amend its rules related to home inspector certification in order to incorporate requirements for the inspection of swimming pools and spas in Arizona, and to ensure that Arizona certified home inspectors comply with the March 11, 2011 Arizona Chapter of the American Society of Home Inspectors Standards for Professional Practice for the Inspection of Swimming Pools and Spas which the Board adopted on February 28, 2012.

3. A citation to all published notices relating to the proceeding:

Not applicable

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Melissa Cornelius, Deputy Director
Address: Arizona State Board of Technical Registration
1110 W. Washington St., Suite 240
Phoenix, AZ 85007
Telephone: (602) 364-4930
Fax: (602) 364-4931
E-mail: Melissa.cornelius@azbtr.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written, oral, facsimile or e-mailed comments will be accepted from 8:00 a.m. to 5:00 p.m., Monday through Friday, at 1110 W. Washington St., Suite 240, Phoenix, AZ 85007, for 30 days from the publication of the Notice of Proposed Rulemaking, or until the close of record, whichever is later.

6. A timetable for agency decisions or other action on the proceeding, if known:

None

Notices of Rulemaking Docket Opening

NOTICE OF RULEMAKING DOCKET OPENING
ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
ADMINISTRATION

Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 1157.) The Governor's Office authorized the notice to proceed through the rulemaking process on April 26, 2012.

[R12-71]

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 22, Arizona Health Care Cost Containment System – Administration
Article and its heading: 6, RFP and Contract Process
Section numbers: R9-22-601 through R9-22-606 (Sections may be added, deleted or modified as necessary.)
- 2. The subject matter of the proposed rule:**
A.R.S. § 36-2906 authorizes the Administration to adopt rules for the RFP process and the award of contracts. The Administration is proposing revisions to several rules in Article 6 to streamline and clarify the RFP and contract award process, correct inaccurate references, and eliminate redundant language. The proposed rules are more clear, concise, and understandable. In particular, the proposed rules more clearly delineate the process for filing a protest alleging improprieties in an RFP or an amendment to the RFP. Additionally the proposed rules specify the legal bases for hearings as well as contract performance disputes. The term “procurement file” is defined in the proposed rule, and the term sanction is clarified to include actions beyond monetary sanctions and enrollment restrictions.
- 3. A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 18 A.A.R. 1112, May 18, 2012 (*in this issue*)
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Mariaelena Ugarte
Address: AHCCCS
Office of Administrative Legal Services
701 E. Jefferson St., Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4693
Fax: (602) 253-9115
E-mail: AHCCCSRules@azahcccs.gov
Web site: www.azahcccs.gov
- 5. The time which the agency will accept written comments and the time and place where oral comments may be made:**
The Administration will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m., at the address indicated in item 4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. E-mail comments will be accepted.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
Notice of Proposed Rulemaking: 18 A.A.R. 1112, May 18, 2012 (*in this issue*)

NOTICE OF RULEMAKING DOCKET OPENING
ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
ARIZONA LONG-TERM CARE SYSTEM

Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 1157.) The Governor's Office authorized the notice to proceed through the rulemaking process on April 26, 2012.

[R12-70]

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 28, Arizona Health Care Cost Containment System – Arizona Long-term Care System
Article and its heading: 6, RFP and Contract Process
Section numbers: R9-28-604 and R9-28-606 (Sections may be added, deleted or modified as necessary.)

Notices of Rulemaking Docket Opening

2. The subject matter of the proposed rule:

A.R.S. § 36-2906 authorizes the Administration to adopt rules for the RFP process and the award of contracts. The Administration is proposing revisions to several rules in Article 6 to streamline and clarify the RFP and contract award process, correct inaccurate references, and eliminate redundant language. The proposed rules are more clear, concise, and understandable. In particular, the proposed rules more clearly delineate the process for filing a protest alleging improprieties in an RFP or an amendment to the RFP. Additionally the proposed rules specify the legal bases for hearings as well as contract performance disputes. The term “procurement file” is defined in the proposed rule, and the term sanction is clarified to include actions beyond monetary sanctions and enrollment restrictions.

3. A citation to all published notices relating to the proceeding:

Notice of Proposed Rulemaking: 18 A.A.R. 1117, May 18, 2012 (*in this issue*)

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

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Telephone: (602) 417-4693
Fax: (602) 253-9115
E-mail: AHCCCSRules@azahcccs.gov
Web site: www.azahcccs.gov

5. The time which the agency will accept written comments and the time and place where oral comments may be made:

The Administration will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m., at the address indicated in item 4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. E-mail comments will be accepted.

6. A timetable for agency decisions or other action on the proceeding, if known:

Notice of Proposed Rulemaking: 18 A.A.R. 1117, May 18, 2012 (*in this issue*)